

Appl. No. : U9/713,962
Filed : November 15, 2000

REMARKS

The Applicants thank the Examiner for his careful and thoughtful examination of the present application. By way of summary, Claims 1-21 were pending in this application. In the present amendment the Applicants have amended Claims 1, 9, 12, 18, and 21. Accordingly, Claims 1-21 remain pending for consideration.

Priority

The Applicants note that the Office Action Cover Sheet did not indicate acknowledgement of a claim for domestic priority under 35 U.S.C. § 119(e) as indicated on Page 2, lines 6-7 of the instant specification. The Applicants respectfully request correction thereto in a subsequent Office Action.

Rejection Of Claims 1-21 Under 35 U.S.C. § 103

The Office Action rejected Claims 1-5, 8-10, 12, 13, 15, 17-19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 5,561,446, issued to Montlick, (the Montlick patent) in view of U.S. patent no. 6,283,761, issued to Joao, (the Joao patent). The Office Action also rejected Claims 6, 7, 11, 14, 16, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Montlick and Joao in view of U.S. patent no. 6,199,099 to Gershman, et al. (the Gershman patent). The Applicants respectfully traverse this rejection because the Montlick patent, alone or in combination with the Joao patent and the Gershman patent fails to teach or suggest the elements of the claims. See M.P.E.P. § 2143 (stating that in order to establish a prima facie case of obviousness for a claim, the prior art references must teach or suggest all the claim limitations).

Claims 1-8

Claim 1 has been amended to include: generating a set of codes each corresponding to respective healthcare data, the healthcare data including a plurality of medical diagnoses each of which corresponds to at least one code; storing the set of codes and the medical diagnoses in a memory of a portable terminal; displaying at least some of the set of codes and at least some of the medical diagnoses on a display of

the portable terminal; detecting selection by a user of at least one code corresponding to a medical diagnosis relevant to a patient; and wirelessly transmitting the selected at least one code from the portable terminal to a server system via a first network capable of providing communication between the portable terminal and the server system, wherein said wirelessly transmitting causes the healthcare data corresponding to the code to be provided to a medical patient via a second network capable of providing communication between the server system and a patient accessible device.

The Montlick and Joao references fail to disclose or suggest, inter alia, wirelessly transmitting the selected at least one code from the portable terminal to a server system via a first network capable of providing communication between the portable terminal and the server system, wherein said wirelessly transmitting causes the healthcare data corresponding to the code to be provided to a medical patient via a second network capable of providing communication between the server system and a patient accessible device.

At least because the references cited by the Examiner do not disclose, teach or suggest wirelessly transmitting the selected at least one code from the portable terminal to a server system via a first network capable of providing communication between the portable terminal and the server system, wherein said wirelessly transmitting causes the healthcare data corresponding to the code to be provided to a medical patient via a second network capable of providing communication between the server system and a patient accessible device, the Claim 1 is not obvious in view of the Montlick and Joao references. The Applicants therefore respectfully submit that Claim 1 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 1.

Claims 2-8, which depend from Claim 1, are patentable for at least the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein. Therefore, Applicants respectfully request allowance of Claims 2-8 as well.

Claims 9-11

Claim 9 has been amended to include: a portable terminal to communicate wirelessly with a server system via a first, wireless network; a memory, associated with the portable terminal, to store a set of codes and medical diagnoses, each code corresponding to a medical diagnosis relating to healthcare data; a display to display the set of codes and the medical diagnoses; and a selector operable by a user to select desired codes of the set of codes for transmission to the server system, the desired codes identifying a medical condition, wherein transmission of the desired codes causes corresponding healthcare data to be provided to a medical patient via a second network, wherein the second network is adapted to provide communication between the server system and a patient accessible device.

The Montlick and Joao references fail to disclose or suggest, inter alia, apparatus for communicating healthcare information wherein transmission of the desired codes causes corresponding healthcare data to be provided to a medical patient via a second network, wherein the second network is adapted to provide communication between the server system and a patient accessible device.

At least because the references cited by the Examiner do not disclose, teach or suggest apparatus for communicating healthcare information wherein transmission of the desired codes causes corresponding healthcare data to be provided to a medical patient via a second network, wherein the second network is adapted to provide communication between the server system and a patient accessible device, Claim 9 is not obvious in view of the Montlick and Joao references. The Applicants therefore respectfully submit that Claim 9 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 9.

Claims 10 and 11, which depend from Claim 9, are patentable for at least the same reasons articulated above with respect to Claim 9, and because of the additional features recited therein. Therefore, Applicants respectfully request allowance of Claims 10 and 11 as well.

Claims 12-17

Claim 12 has been amended to include: at least one portable terminal to communicate wirelessly with a gateway device via a first, wireless network, the portable terminal including: a memory associated therewith for storing a set of codes and medical diagnoses, each code corresponding to respective healthcare data including medical diagnoses; a display for displaying the set of codes and the medical diagnoses, each code identifying a medical diagnosis; and a selector operable by a first user to select a medical diagnosis for transmission as a corresponding code to the recipient; and a first server to communicate with the gateway device and to communicate healthcare information to a second user via a second network, wherein the healthcare information is related to the corresponding code; wherein the gateway device is capable of facilitating communication between said at least one portable terminal and the first server.

The Montlick and Joao references fail to disclose or suggest, inter alia, a first server to communicate with the gateway device and to communicate healthcare information to a second user via a second network, wherein the healthcare information is related to the corresponding code; wherein the gateway device is capable of facilitating communication between said at least one portable terminal and the first server.

At least because the references cited by the Examiner do not disclose, teach or suggest a first server to communicate with the gateway device and to communicate healthcare information to a second user via a second network, wherein the healthcare information is related to the corresponding code; wherein the gateway device is capable of facilitating communication between said at least one portable terminal and the first server, the Claim 12 is not obvious in view of the Montlick and Joao references. The Applicants therefore respectfully submit that Claim 12 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 12.

Claims 13-17, which depend from Claim 12, are patentable for at least the same reasons articulated above with respect to Claim 12, and because of the

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additional features recited therein. Therefore, Applicants respectfully request allowance of Claims 13-17 as well.

Claims 18-20

Claim 18 has been amended to include: a gateway device to communicate wirelessly with at least one portable terminal via a first, wireless network and with a first server, to receive codes from said at least one portable terminal selected from a set of codes each corresponding to respective healthcare data, and to transmit healthcare information corresponding to the received codes to the first server; and a first server to communicate with the gateway device, to receive the healthcare information from the gateway device and to communicate the healthcare information to a patient on which diagnosis was performed via a second network, wherein the second network is capable of providing communication between the first server and a patient accessible device.

The Montlick and Joao references fails to disclose or suggest, inter alia, a first server to communicate with the gateway device, to receive the healthcare information from the gateway device and to communicate the healthcare information to a patient on which diagnosis was performed via a second network, wherein the second network is capable of providing communication between the first server and a patient accessible device.

At least because the references cited by the Examiner do not disclose, teach or suggest a first server to communicate with the gateway device, to receive the healthcare information from the gateway device and to communicate the healthcare information to a patient on which diagnosis was performed via a second network, wherein the second network is capable of providing communication between the first server and a patient accessible device, Claim 18 is not obvious in view of the Montlick and Joao references. The Applicants therefore respectfully submit that Claim 18 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 18.

Claims 19 and 20, which depend from Claim 18, are patentable for at least the same reasons articulated above with respect to Claim 18, and because of the

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additional features recited therein. Therefore, Applicants respectfully request allowance of Claims 19 and 20 as well.

Claim 21

Claim 21 has been amended to include generating a display of a set of codes and medical diagnoses on a portable terminal, each code corresponding to respective healthcare data, the healthcare data including the medical diagnoses, each of which corresponds to at least one code; detecting selection of at least one code corresponding to healthcare data relevant to a patient; and wirelessly transmitting the selected at least one code to a server system via a first network capable of providing communication between the portable terminal and a server system, wherein said wirelessly transmitting causes at least some of the healthcare data to be provided to the patient via a second network capable of providing communication between the server system and a patient accessible device.

The Montlick and Joao references fail to disclose or suggest, inter alia, wirelessly transmitting the selected at least one code to a server system via a first network capable of providing communication between the portable terminal and a server system, wherein said wirelessly transmitting causes at least some of the healthcare data to be provided to the patient via a second network capable of providing communication between the server system and a patient accessible device.

At least because the references cited by the Examiner do not disclose, teach or suggest wirelessly transmitting the selected at least one code to a server system via a first network capable of providing communication between the portable terminal and a server system, wherein said wirelessly transmitting causes at least some of the healthcare data to be provided to the patient via a second network capable of providing communication between the server system and a patient accessible device, Claim 21 is not obvious in view of the Montlick and Joao references. The Applicants therefore respectfully submit that Claim 21 is patentably distinguished over the cited references and the Applicants respectfully request allowance of Claim 21.

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The New Matter In Joao Is Not Prior Art To The Pending Claims

The pending claims are entitled to a priority date of November 19, 1999, which is the filing date of the U.S. provisional application from which priority is claimed on page 2, lines 6-7 of the specification, as discussed above.

The Joao reference is a continuation-in-part of an abandoned continuation of an earlier-filed Joao reference (U.S. patent no. 5,961,332); therefore, the new matter disclosed in Joao with respect to the earlier-filed Joao reference is only entitled to Joao's filing date of December 31, 1999 for priority.

Since the new matter in Joao has priority of December 31, 1999, which is later than the priority date of the pending claims (November 19, 1999), the new matter of Joao is not available as prior art against the pending claims. In addition, it appears that the Examiner relies upon the new matter in Joao in rejecting the pending claims.

For example, in the Office Action, the Examiner says with respect to Claim 1, "Montlick does not explicitly disclose the medical diagnoses in a memory [of] a portable terminal. However, this feature is known in the art, as evidenced by Joao. In particular, Joao teaches a portable terminal (See Joao, Col. 14, lines 49-58)." The term "portable terminal" does not appear in the earlier-filed Joao reference (*i.e.*, U.S. patent no. 5,961,332).

Request For Telephone Interview

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicants' undersigned attorney of record hereby formally requests a telephone interview with the Examiner. The Applicants' attorney can be reached at (949) 721-2946 or at the number listed below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.


Respectfully submitted,

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Dated:

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